



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,435	06/27/2001	Royan Herbert Bartley	ROC920010184US1	2817

46296 7590 05/23/2005

MARTIN & ASSOCIATES, LLC
IBM INTELLECTUAL PROPERTY LAW DEPARTMENT
DEPARTMENT 917, BUILDING 006-1
3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

EXAMINER

BILGRAMI, ASGHAR H

ART UNIT PAPER NUMBER

2143

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.

09/892,435

Applicant(s)

BARTLEY ET AL.

Examiner

Asghar Bilgrami

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/13/2004, 02/22/05, 10/15/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. The applicant's arguments regarding the objections to claim 17 were persuasive and the examiner traverses the objection of claim 17.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Mikami et al (U.S. 5,704,031) and Day et al (U.S. Pub No. 2002/0147757 A1).

4. As per claims 1, 6, 11, 12, 13, 14, 15, 17, 18 & 24 Mikami disclosed a computer system comprising: at least one processor; a memory coupled to the at least one processor; an execution data collection mechanism residing in the memory and executed by the at least one processor, the execution data collection mechanism collecting execution data for the computer system (col.1, lines 59-67 & col.2, lines 1-5); an execution data transmission mechanism residing in the memory and executed by the at least one processor, the execution data transmission mechanism,

Art Unit: 2143

when enabled, transmitting at least a portion of the execution data to another computer system coupled to the computer system via a network (col.2, lines 11-37).

However Mikami did not disclose in detail about an execution data access mechanism residing in the memory and executed by the at least one processor, the execution data access mechanism allowing access to the execution data by a user of the computer system only if the execution data transmission mechanism is enabled. In the same field of endeavor day disclosed that client and server could communicate by means of requests and/or responses (paragraphs. 37 & 47).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated access means by another computer as taught by Day to the computer system having execution data taught by Mikami in order to make the information available to another entity for analysis or record and thus making the system versatile.

5. As per claims 2 & 7 (Mikami-Day) disclosed the computer system of claim 1 wherein the computer system comprises a customer computer system and the another computer system comprises a vendor computer system (Mikami, col.1, lines 1-63).

6. As per claims 3, 8, 21 & 27 (Mikami-Day) disclosed the computer system of claim 1 wherein the execution data comprises data collected by an operating system residing in the memory and executed by the at least one processor (Mikami, col.1, lines 64-67 & col.2, lines 1-6).

Art Unit: 2143

7. As per claims 4, 9, 22 & 28 (Mikami-Day) disclosed the computer system of claim 1 wherein the execution data comprises data collected by a software application residing in the memory and executed by the at least one processor (col.2, lines 11-21).

8. As per claims 5, 10, 23 & 29 (Mikami-Farhat) disclosed the computer system of claim 1 wherein the execution data comprises data collected 2 by an analysis program residing in the memory and executed by the at least one processor (Mikami, col.2, lines 21-37).

9. As per claim 16 (Mikami-Day) disclosed the method of claim 15 further comprising the step of; (D) the customer computer system sharing the execution data (Mikami, col.3, lines 1-14)

10. As per claim 19 & 25 (Mikami-Day) disclosed the program product of claim 18 wherein the signal bearing media comprises recordable media (Mikami, col.3, lines 14-25 & col.4, lines 3-11)

11. As per claim 20 & 26 (Mikami-Day) the program product of claim 18 wherein the signal bearing media comprises transmission media (Mikami, col.2, lines 50-67).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wilson (U.S. 6,714,976) disclosed systems and methods for monitoring distributed applications using diagnostic information.

Yokoyama (U.S. PUB 2001/0029526A1) disclosed method for controlling a mobile agent.

Davis (U.S. PUB 2002/0099812A1) disclosed method and apparatus for tracking clients interaction with a network resource and creating client profiles and resource database.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 703-305-4623 or 571-272-3907 after October 2004. The examiner can normally be reached on M-F, 8:00-5:00PM.

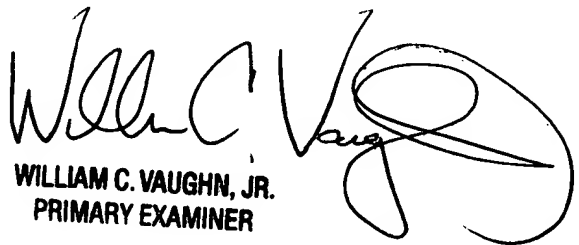
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221 or 571-272-3923 after October 2004. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami
Examiner
Art Unit 2143

AB


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER